Issuance Date: June 19, 2006
Effective Date: July 1, 2006
Expiration Date: June 19, 2011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003099-6

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

STABBERT YACHT AND SHIP, LLC
4 Nickerson Street, Suite 301
Seattle, Washington 98109

Facility Location: 2629 NW 54th Street Seattle, Washington 98107 (Lake Class)	Receiving Water: Cedar/Green WQMA Lake Washington Ship Canal
Water Body I.D. No.: WA-08-0028	Discharge Location: Latitude: 47° 40' 01" N Longitude: 122° 23' 05" W
Industry Type: Ship Repair	

is authorized to discharge in accordance with the special and general conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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GENERAL CONDITIONS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Quarterly	October 15, 2006
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	December 19, 2010

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

The discharge of any pollutant not specifically authorized by this permit in concentrations which violate receiving water quality standards established under section 307(a) of the Clean Water Act or Chapter 173-201A WAC, shall also be a violation of this permit and the Clean Water Act.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge drydock flood water at the permitted location subject to meeting the following limitations:

A. Process Wastewater Discharges

- All discharges of hydroblast or pressure wash wastewater to the Lake Washington Ship Canal are prohibited.
- The direct discharge of bilge water, hydraulic fluid, and oily wastes to waters of the state is prohibited.
- Ballast water shall not be discharged directly onto the floors of a drydock and then discharged directly to state surface waters.
- The direct discharge of gray water (including discharges from any ship's galley or shower while at dockside) to waters of the state is prohibited.
- Ship sanitary wastes shall not be discharged directly to waters of the state. Owners of vessels in the dry docks or under repair dockside shall be notified in writing by the Permittee that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If untreated sanitary wastes from vessels must be discharged, the discharge shall be to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.
- The discharge of solvents to waters of the state is prohibited.

- No wastewater, including all ship repair and parts repair, shall be discharged to waters of the state from a maintenance shop including but not limited to the steel process area.

- No wastewater, including stormwater, shall be discharged to waters of the state from any repair areas on the piers or upland areas.

B. Drydock Flood Water: Drydock No. 1

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge drydock floodwater from Drydock No. 1 subject to meeting the following limitations:

EFFLUENT LIMITATIONS: Drydock No. 1	
Parameter	**Maximum Daily[a]**
Oil and Grease	No visible sheen
Oil and Grease	5 mg/L[1]
[a] The maximum daily effluent limitation is defined as the highest allowable daily discharge.	

[1)]The MDL for oil and grease is 0.2 mg/L using trichlorotrifluoroethane extraction and gravimetric analysis using EPA Method 413.1. The quantitation level (QL) for oil and grease is 1.0 mg/L (5 x MDL). An equivalent method is total petroleum hydrocarbons with a MDL of 0.1 mg/L using Gas Chromatography and Flame Ionization Detector (FID) and Method WTPH-Dx Diesel (WTPH-D) from the Washington State Department of Ecology Method WTPH-D. The quantitation level (QL) for TPH-Dx is 0.5 mg/L (5 x MDL).

Discharges from the drydock during flooding shall not cause a visible change in turbidity or color to the receiving water.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

Category	Parameter	Units	Sample Point[1]	Minimum Sampling Frequency	Sample Type
Drydock Flood Water	Oil and Grease[1]	Mg/l	Drydock No. 1 Flood Water	Quarterly	Grab

[1)] Grab samples shall be collected from the inboard apron area of the drydock after the initial submergence following hull repair activities and when there is at least three feet and less than six feet of water over the floor apron. Samples will be considered invalid if taken after the 6-foot water level is reached. If no undockings occur in a given quarter, this shall be clearly stated on the Discharge Monitoring Report.

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils, and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted quarterly. Monitoring results obtained during the previous three (3) months shall be reported on the monthly forms as provided, or otherwise approved, by the Department, and be received no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Reports are due January 15, April 15, July 15, and October 15 of each year. The report shall be sent to the Department of Ecology, Northwest Regional Office, 3190 -160th Avenue SE, Bellevue, WA 98008-5452 ATTN: Chris Smith.

Discharge Monitoring Report forms must be submitted quarterly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S1. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem, and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation;

2. Immediately notify the Department of the failure to comply; and

3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

S5. BEST MANAGEMENT PRACTICES

A. Control of Large Solid Materials

Floatable and low-density waste such as wood, plastic, and miscellaneous trash such as paper, insulation, and packaging shall be removed from the drydock floors prior to flooding.

B. Control and Cleanup of Paint Dust and Abrasive Blasting Debris

Dust and overspray shall be confined to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed or installing plastic barriers around the vessel. Plastic barriers hung from the vessel, or temporary structures around the vessel, should be secure and arranged to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities. The bottom edge of tarpaulins and plastic sheeting shall be weighted or fastened to remain in place during windy conditions.

Consideration shall also be given to other feasible innovative procedures as appropriate to improve the effectiveness of controlling dust emissions and paint over spray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, e.g., sodium bicarbonate or overall waste minimization and recycling, e.g., the use of vacuum return sandblasting heads or steel shot blast technology.

No abrasive blasting or spray painting of vessels shall be performed while vessels are docked pier-side such that material is discharged to the receiving water.

Cleanup of spent paint, paint chips, protective coating materials, and abrasive grit shall be undertaken as part of the repair or production activities, to the extent maximally feasible, as to prevent their entry into state waters.

Vessels shall be set on the drydock ways to afford accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive. The drydock shall be cleaned of spent sandblast grit and debris prior to launching a vessel. Cleaning may be accomplished by either manual or mechanical means. Mechanical cleanup may be accomplished by mechanical sweepers, front-end loaders, vacuum cleaners, and other innovative equipment. The minimum amount of water flushing necessary to return the drydocks to a clean condition shall be used as a final cleanup step. The wastewater shall not discharge to the Lake Washington Ship Canal.

The flooding and sinking of drydocks with standing piles of spent abrasive on the drydock floor is prohibited.

Photographs shall be taken and maintained in a logbook to demonstrate the condition of the drydock floor prior to launching every vessel. Documentation accompanying the photographs shall include the name of the vessel, the drydock number, the date the vessel was launched, the date the photograph was taken, and the name of the photographer. A videotape that documents the same information may be used in place of a photograph collection.

The yard shall be cleaned on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water. Collected sandblasting debris shall be stored undercover in a designated area with the spent abrasive grit. Innovations and procedures which improve the effectiveness of cleanup operations shall be adopted where they are feasible, appropriate, and can be demonstrated as preventing the discharge of solids to water.

C. <u>In-Water Vessel Maintenance and Repair</u>

The cleaning of any portion of a vessel’s hull below the waterline while the vessel is afloat is prohibited.

The following types of surface preparation activities are allowed to be conducted on a vessel's hull above the waterline while it is at a permitted shipyard facility. These activities are only allowed provided that containment and collection BMP measures are in effect to prevent the introduction of dust, dirt, debrism, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:

- Mechanical hand preparation such as scraping or wire brushing;
- Conventional mechanical grinding or use of other powered mechanical abrading tools;
- Conventional abrasive blasting on the vessel's hull while it is in the water is prohibited.

Innovative abrasive blasting systems or ultra-high water pressure systems for surface preparation will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

In-Water Vessel Maintenance - Paint and Coating Application BMPs:

The following methods of paint and coating applications to a vessel's hull while in the water at a NPDES permitted shipyard are allowed provided that all containment, collection, and spill prevention BMPs are in place before any such applications are made to a vessel's hull.

- Application by roller
- Application by brush
- Conventional spray-paint or spray-coating applications to a vessel's hull while that vessel is in the water are prohibited.
- Innovative spray-paint or spray-coating application methods will be allowed to be conducted on a vessel's hull while it is in the water provided that it has been demonstrated before-hand to Department of Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

BMPs for Floats used for In-Water Vessel Maintenance:

Floats are defined as free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull.

Floats shall at all times maintain a minimum of 1" of freeboard at the floats lowest point during all phases of maintenance operations. The minimum 1" freeboard requirement must be maintained with all scaffolding configurations and number of persons on board the float. All necessary precautions will be taken by personnel on board the float to prevent paints, cleaning materials, petroleum products, all other liquids, and unsecured materials from entering into the water from the float.

Any container of paint, marine coating, or any other liquid product for painting or surface preparation of one gallon or greater must be provided with secondary containment when used on board a float. All roller pans used on a float must be provided with secondary spill containment. Secondary spill containment capacity is equal to the entire volume of the container plus 10% of the volume of that same container.

Documentation Requirements for In-Water Vessel Maintenance BMPs:

Documentation requirements will be in effect for any in-water surface preparation operations of one hour or more in duration and any in-water coating or painting operation involving 1/2 gallon or more of paint or marine coating.

Documentation requirements will consist at a minimum of one or more representative photographs of all in-water vessel maintenance BMPs which are implemented for surface preparation operations and all painting and coating operations. All such photographs shall be dated and maintained in a logbook with all necessary descriptive narrative of the in-water vessel maintenance BMPs being documented. These records shall be made available to a Department of Ecology inspector upon request and will be retained on site for at least three (3) years.

D. Oil, Grease, Paint, and Fuel Spills Prevention and Containment

No discharge of oil, other hazardous material, or paint to state waters is allowed, except as specifically authorized by this permit. Oil, grease, fuel, or paint spills shall be prevented from reaching drainage systems or surface waters. Cleanup shall be carried out promptly after an oil, grease, fuel, or paint spill is detected. Oil containment booms and adsorbents shall be conveniently stored so as to be immediately deployable in the event of a spill. All yard personnel that may participate in cleanup of spills shall be trained in the use and deployment of cleanup equipment.

In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Department's Northwest Regional Office Spill Response Section and the United States Coast Guard shall be notified immediately.

1. Cleanup efforts shall commence immediately and be completed as soon as possible, taking precedence over normal work, and shall include proper disposal of spilled material and used cleanup material.

2. Cleanup of oil or hazardous material spills shall be in accordance with an approved spill control plan or according to specific instructions of an on-scene coordinator.

3. No emulsifiers or dispersants are to be used in or upon the waters of the state without prior approval from the Director of the Department of Ecology. Drip pans or other protective devices shall be required for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums, or barrels. Oils and fuel storage tanks shall be provided with secondary containment.

E. Paint and Solvent Use and Containment

The mixing of paints and solvents shall be carried out in locations and under conditions such that no spill shall enter state waters.

1. Drip pans or other protective devices shall be required for all paint mixing and solvent transfer operations, unless the mixing operation is carried out in covered and controlled areas away from storm drains, surface waters, shorelines, and piers. Drip pans, drop cloths, or tarpaulins shall be used wherever paints and solvents are mixed on wood docks. Paints and solvents shall not be mixed on floats.

2. Paint and solvent spills shall be treated as oil spills and shall be prevented from reaching storm drains and subsequent discharge into the water.

F. Contact Between Water and Debris

Shipboard cooling and non-contact cooling water shall be directed as to minimize contact with spent abrasives, paint chips, and other debris. Contact between spent abrasives or paint chips and water will be reduced by proper segregation and control of wastewater streams. Appropriate methods shall be incorporated to prevent accumulation of debris in drainage systems and debris shall be promptly removed to prevent its discharge with stormwater.

G. Maintenance of Hoses, Soil Chutes, and Piping

Leaking connections, valves, pipes, hoses, and soil chutes carrying either water or wastewater shall be replaced or repaired immediately. Soil chute and hose connections to vessels and to receiving lines or containers shall be tightly connected and as leak free as practicable.

H. Chemical Storage

Solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries, shall be stored in a manner which will prevent the inadvertent entry of these materials into waters of the state, including ground water. Storage shall be in a manner that will prevent spills due to overfilling, tipping, or rupture. In addition, the following practices shall be used:

1. All liquid products shall be stored on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area.

2. Waste liquids shall be stored under cover, such as tarpaulins or roofed structures. All waste storage areas, whether for waste oil or hazardous waste, shall be clearly designated as such and kept segregated from new product storage.

3. Incompatible or reactive materials shall be segregated and securely stored in separate containment areas that would prevent the inadvertent mixing and reaction of spilled chemicals.

4. Concentrated waste or spilled chemicals shall be transported off-site for disposal at a facility approved. These materials shall not be discharged to any sewer or state waters.

I. Recycling of Spilled Chemicals and Rinse Water

Any intercepted chemical spill shall be recycled back to the appropriate chemical solution tank or cleaned up and disposed of properly. The spilled material must be handled, recycled, or disposed of in such a manner as to prevent its discharge into state waters.

J. Education of Employees, Contractors, and Customers

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee shall develop a program for training its employees, and all contractors who work at the facility, on BMPs and the environmental concerns related to this permit. There are a variety of ways to accomplish this and the Permittee should determine the method that works best for the company. For example, regular safety meetings may be a convenient time to discuss BMP implementation successes or problems and get input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4.REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until

the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9.REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person

under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/L).

2. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.

3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500μg/L).

2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.